

TRINIDAD AND TOBAGO.

*Wild Birds and Ground Game Protection.*

No. 25.—1895.

*4th June.*

AN ORDINANCE for the protection of certain Wild  
Birds and Ground Game.

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR.

*12th July, 1895.*

**B**E it enacted by the Governor of Trinidad and Tobago  
with the advice and consent of the Legislative  
Council thereof as follows :—

1. The Ordinance No. 2 of 1893, intituled, "An  
" Ordinance for the protection of Wild Birds and Ground  
" Game," is hereby repealed.

Repeal of  
Ordinances  
No. 10 of 1881  
and No. 13 of  
1886.

Provided that such repeal shall not affect any Pro-  
clamations made, licenses granted, offences and penalties  
incurred, and proceedings taken under such Ordinance.

2. In this Ordinance—

The term "Wild Bird" includes any bird speci-  
fied in the first or second Schedule to this  
Ordinance, or specified in any Proclamation

No. 25. *Wild Birds and Ground Game Protection*. 1895.

of the Governor under Section 16 of this Ordinance.

The term "Ground Game" means any of the animals specified in the third Schedule to this Ordinance, or in any Proclamation of the Governor under Section 16 of this Ordinance.

Protection of wild birds and nests and eggs of wild birds.

3. Any person who knowingly kills, wounds or takes any wild bird specified in the first Schedule to this Ordinance, or who exposes or offers for sale, or knowingly has in his possession any such wild bird killed, wounded or taken after the coming into operation of this Ordinance, or any part of such bird, shall be guilty of an offence against this Ordinance, and on conviction thereof shall incur for each wild bird or part, in respect of which the offence is committed, a penalty not exceeding Five Pounds, and any person who takes or has in his possession the nest or egg of any wild bird shall be guilty of an offence against this Ordinance, and on conviction thereof shall incur for each such nest or egg, in respect of which the offence is committed, a penalty not exceeding Five Pounds.

The onus of proof that a wild bird was killed, etc., to be upon the defendant

4. Where any person has in his possession the whole or part of any wild bird specified in the first Schedule to this Ordinance or the nest or egg of any wild bird, the proof that such wild bird was killed, wounded or taken or that such nest or egg was taken before the coming into operation of this Ordinance or out of the Colony, shall be upon such person.

No. 25. *Wild Birds and Ground Game Protection.* 1895.

5. Any person who,

Protection of  
birds in the  
Schedule.

Between the first day of April and the first day of September in any year, knowingly kills, wounds or takes any birds specified in the second Schedule to this Ordinance, shall be guilty of an offence against this Ordinance, and

Any person who,

Between the first day of April and the first day of September in any year, exposes or offers for sale, or purchases any birds specified in the second Schedule to this Ordinance, shall be guilty of an offence against this Ordinance, and

Any person who,

Between the first day of July and the thirty-first day of December in any year, knowingly kills, wounds or takes or exposes or offers for sale, or purchases any ground game specified in the third Schedule to this Ordinance, shall be guilty of an offence against this Ordinance.

Any person guilty of an offence under this Section shall, for each bird or animal, being ground game, in respect of which the offence is committed, incur a penalty not exceeding Five Pounds.

6. Where any person is found offending against this Ordinance it shall be lawful for any other person to

Persons found  
offending.

*No. 25. Wild Birds and Ground Game Protection. 1895.*

require the offender to give his name, description and place of abode, and in case the offender does not truly give his name, description and place of abode, such offender shall be guilty of an offence against this Ordinance, and shall for such offence, in addition to any other penalty to which he is liable under this Ordinance, incur a penalty not exceeding Five Pounds.

Power to arrest  
without War-  
rant.

7. Any Commissioned or Non-Commissioned Officer of Police or Police Constable may arrest without Warrant any person found offending against this Ordinance whose name or place of abode is unknown to him and detain such person at a Police Station until the name and place of abode of such person can be ascertained, or may forthwith convey such person before a Stipendiary Justice of the Peace to be dealt with according to law.

Power to stop,  
search, seize  
and detain  
persons, etc.,  
offending  
against this  
Ordinance.

8. It shall be lawful for any Commissioned or Non-commissioned Officer of Police, Police Constable, Warden or Ward Officer in any highway, street, or public place, to search any person whom he may have good cause to suspect of coming from any land where he shall have been unlawfully in search or pursuit of birds or ground game prohibited to be taken or killed by this Ordinance, or any person aiding or abetting such person, and having in his possession any wild birds, or bird specified in the first Schedule to this Ordinance, or any bird or ground game for the time being prohibited to be taken or killed by this Ordinance, or any gun, part of gun, or nets or engines used for the killing or taking such birds, or ground game, and also to stop and search any cart or other conveyance in or upon which such Commissioned or Non-commissioned Officer of Police, Police Constable, Warden or Ward Officer shall have good reason to sus-

No. 25. *Wild Birds and Ground Game Protection.* 1895.

pect that any wild birds or bird or ground game for the time being prohibited to be taken or killed by this Ordinance, or any such article or thing is being carried by any such person, and should there be found any wild birds or bird or ground game for the time being prohibited to be taken or killed as aforesaid or any such article or thing as aforesaid upon such person, cart or other conveyance, to seize and detain such wild birds, bird, ground game, article or thing; and such Warden, Police Constable or Ward Officer shall in such case apply to some Justice of the Peace for a Summons citing such person to appear before a Stipendiary Justice of the Peace to be dealt with according to law.

9. Every offence against this Ordinance shall be an Punishment of offences. offence punishable on Summary Conviction; but in any proceeding under this Ordinance the defendant may tender himself and be examined as a witness on his own behalf.

Any offence against this Ordinance committed on the sea-coast, or at sea, beyond the limits of any town, county or district, may be inquired of, heard and determined in any town, county or district, abutting on such sea-coast or adjoining such sea.

Any offence against this Ordinance committed in or upon any water forming the boundary between any two counties or districts may be inquired of, heard and determined in either of such counties or districts.

10. Any wild birds and any bird or ground game for Forfeiture. the time being prohibited to be taken or killed by this Ordinance, or any part of such wild birds, bird or ground game, and all such guns, parts of guns, nets and engines,

No. 25. *Wild Birds and Ground Game Protection*. 1895.

in respect of which a conviction takes place, shall be forfeited to Her Majesty.

Power to Governor to authorize killing of birds for scientific purposes.

11. Notwithstanding anything in this Ordinance, the Governor, by writing under his hand, may for such time and subject to such conditions as he thinks fit, authorize any person, for scientific purposes, to kill, wound or take any wild birds, bird or ground game specified in any Schedule under this Ordinance.

Close season may be varied by Proclamation.

12. The Governor may with regard to any particular species of, or with regard to all of the birds mentioned in the first and second Schedules to this Ordinance, and with regard to any ground game and with respect to any particular part of the Island by Proclamation extend or vary the time during which the killing, wounding, taking, exposing, offering for sale and purchasing of the same or any of them are prohibited by this Ordinance. After such Proclamation, the penalties imposed by this Ordinance in respect of such birds and ground game shall, in the part of the Island mentioned in such Proclamation, apply only to offences committed during the time specified in such Proclamation.

Such Proclamation shall be published in the *Royal Gazette*.

A copy of the *Royal Gazette* containing any Proclamation made under this Ordinance shall be evidence of the same having been made.

The Governor may prohibit exportation of wild birds.

13. It shall be lawful for the Governor, by Proclamation, to prohibit to be exported or carried coastwise all or any wild birds or bird and any part of any such bird, and if any such wild birds or bird or any part thereof the exportation whereof has been prohibited is exported

No. 25. *Wild Birds and Ground Game Protection.* 1895.

or brought to any quay or other place to be shipped for exportation from the Colony or to be carried coastwise or is water-borne to be so exported or carried, such birds or bird and every part of any such bird as aforesaid shall be forfeited, and the exporter or his agent or the shipper of any such bird or part of such bird shall be liable to a penalty of One Hundred Pounds in addition to any other penalty to which he may be liable under this Ordinance: Provided always that such Proclamation shall not extend to prohibit the exportation of such birds or bird where the same shall have been imported in transit and have been duly reported as goods in transit accordingly.

Birds to be forfeited and penalty of £100.

14. It shall be lawful for the Governor, by Proclamation, to declare wild birds being dead, and any part of a dead wild bird and the nests and eggs of wild birds to be goods prohibited to be imported except in transit and subject to such regulations and restrictions as the Governor may direct, and duly reported as goods in transit accordingly, and thereupon the like penalties shall follow and the like consequences shall ensue in all respects as if wild birds or any part of a wild bird had been enumerated or described among the goods prohibited to be imported except in transit and subject to such regulations and restrictions as the Governor may direct, and duly reported as goods in transit accordingly in the Table of Prohibitions and Restrictions contained in Section 8 of "The Customs Ordinance, 1880:" Provided that any wild birds so imported and duly reported as goods in transit may be warehoused in the Colonial Warehouse and be exported therefrom if entered to be warehoused for exportation only.

The Governor may prohibit the importation of certain wild birds except in transit.

No. 25. *Wild Birds and Ground Game Protection*. 1895.

Powers of search, proceedings for penalties, etc., provided by "The Customs Ordinance" to apply.

15. All the provisions of "The Customs Ordinance, 1880," relating to uncustomed and prohibited goods and proceedings for breaches of the law relating thereto, shall apply as fully and effectually to wild birds or parts of wild birds prohibited to be exported, carried coastwise and imported under this Ordinance as aforesaid, as if such birds and parts of such birds had been prohibited to be exported, carried coastwise, or imported by force of the aforesaid Customs Ordinance, 1880.

16. It shall be lawful for the Governor, whenever he may deem fit from time to time by Proclamation to be published in the *Royal Gazette*, to amend any Schedule to this Ordinance by adding thereto or excluding therefrom any wild birds or bird or any ground game as the case may be.

Immediately upon the publication of any such Proclamation the provisions of this Ordinance shall from thenceforth apply to any wild birds or bird or ground game therein specified.

The Governor may allow exportation of wild birds killed for scientific purposes.

17. Notwithstanding anything in this Ordinance contained, it shall be lawful for the Governor, if he shall so think fit, by writing under his hand, to exempt from the operation of any Proclamation made by him in pursuance of Section 13 of this Ordinance any wild birds killed or taken for scientific purposes by any person duly licensed by writing under the hand of the Governor to take or kill such birds for such purposes in pursuance of the provisions of Section 11 of this Ordinance.

Short title.

18. This Ordinance may be cited for all purposes as "The Wild Birds and Ground Game Protection Ordinance, 1895."

No. 25. *Wild Birds and Ground Game Protection.* 1895.

19. This Ordinance shall not apply to the Island of Tobago. Application of Ordinance.

Passed in Council this Fourth day of June, in the year of Our Lord one thousand eight hundred and ninety-five.

CHAS. J. ROOKS,  
*Acting Clerk of the Council.*

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No. 25. *Wild Birds and Ground Game Protection. 1895.*

## FIRST SCHEDULE.

Aile-Blanche— <i>Totanus semi-palmatus.</i>	Longue-queue, or Long-tail [— <i>Tyrannus savanna.</i> Louis d'Or— <i>Tanagra violacea.</i>
Bec-en-Ciseaux or Scissors Beak. Bec d'Argent— <i>Tanagra jacapa.</i> Black-bird or Merle— <i>Turdus.</i> Blue-bird— <i>Tanagra episcopus.</i> Booby— <i>Pelecanus Sula.</i> Bull-finch— <i>Pyrrhula.</i>	Maccaw. Mangeur de Cacao. Manakin— <i>Pipra gutturalis.</i> [ <i>Pipra erythrocephala.</i> Man-of-War Bird— <i>Pelecanus</i> [ <i>aquilus.</i> Martin— <i>Hirundo.</i> Merle-à-queue-jaune— <i>Cassicus</i> [ <i>cristatus.</i> ,, Moqueur— <i>Cassicus ictero-</i> [ <i>notus.</i> ,, Cavalier— <i>Cassicus Ater.</i> ,, à-tête jaune— <i>Oriolus</i> [ <i>icterocephalus.</i> ,, Corbeaux, or Tick Bird. Mot-Mot— <i>Prionites.</i>
Carate Bird or Wood Pintade. Capucin— <i>Ampelis carunculata.</i> Cardinal— <i>Tanagra rubra.</i> Cotinga— <i>Tersina carulea.</i> Cent-coups de couteau— <i>Strix.</i> Campanero— <i>Ampelis variegata.</i> Canary or Serin— <i>Sylvia Astiva.</i> Cicis— <i>Coccothraustes rufiventris.</i> Cassique— <i>Oriolus Xanthornus.</i> Colibris— <i>Trochilus.</i> Cormorant— <i>Halieus Carbo.</i> Cuckoo— <i>Cuculus.</i> Couroucoui— <i>Trogon.</i>	Nuthatch— <i>Sitta.</i> Officer— <i>Muscicapa ruficilla.</i> Owl— <i>Strix.</i> Père noir— <i>Tanagra nigerrima.</i> Pipiri— <i>Tyrannus ferox, tyrannus</i> <i>solitarius.</i> Poule de bois or wood hen— <i>Ballus</i> <i>longirostris.</i> Pelican. Qu'est-ce-qui-dit— <i>Lanius</i> [ <i>Pitanga.</i>
Darter— <i>Plotus Anhinga.</i> Diable enhumé— <i>Tanagra Mexi-</i> <i>cana.</i> Diablotin or Guacharro— <i>Capri-</i> <i>mulgus Caripensis.</i> Dove—Mountain.	Sanderling— <i>Arenaria.</i> Sand piper— <i>Calidris.</i> Sea-plover— <i>Tringa interpres.</i> Sauteur or jumper— <i>Loxia</i> [ <i>Jacarini.</i> Spoon-bill— <i>Platalea Ajaja.</i> Starling— <i>Sturnus.</i> Sucrier— <i>Sylvia Torquata.</i> Surgeon— <i>Parra Jacama.</i> Swallow— <i>Hirundo.</i>
Gavilan. Grimpereau— <i>Certhia Cyanea.</i> Grosbeak— <i>Coccothraustes.</i> Ground Dove— <i>Oriolans.</i>	
Heron— <i>Ardea.</i> Humming Bird— <i>Orthorhynchus.</i>	
Jacamar— <i>Galbula Paradisea.</i>	
Kite— <i>Falco furcatus.</i> Kingfisher— <i>Alcedo.</i>	

No. 25. *Wild Birds and Ground Game Protection*. 1895.

Tit-lark—*Anthus*.  
Toucan—*Ramphastus*.

Vert-vert—*Tanagra*.  
Veuve.  
Vert de gris—*Certhia Cœrulea*.

Voutou—*Prionites Brasiliensis*.

Wood-pelican or Soldat—*Tantalus Loculator*.

Wood-pecker—*Picus*.  
Wren—*Troglodytes*.

## SECOND SCHEDULE.

Bécard or Curlew—*Scolopax ar-*  
*mata, Scolopax Phæcopus*.

Bécasse or Woodcock.

Bécassine or Snipe.

Cielle or Quail.

Couchante.

Crao.

Duck, Wild—*Anas*.

Teal or Sarcelle—*Anas*.

Flamingo—*Ibis*.

Paroquet—*Cornurus*.

Parrot—*Psittacus*.

Perdrix or Partridge.

Plongeon or Diver.

Poule-d'eau or Water-fowl.

Poule Savanne or Savannah Hen.

Quioc or Choc.

Ramier Ginga or Speckled Ramier.

Ramier Mangue or Blue Ramier.

Yacou, or Pajui or Wild Turkey

—*Penelope pipile*.

## THIRD SCHEDULE.

Lappe.

| Armadillo or Tatou.